

TIPP CITY, MIAMI COUNTY, OHIO	RESTORATION AND ARCHITECTURAL BOARD OF REVIEW
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August 28, 2007

Chairman Himes called the meeting of the Tipp City Restoration and Architectural Board of Review to order on Thursday, August 28th, 2007 at 7:30 p.m. Other Board Members in attendance included: Sadie Gaster, Adam Blake, and Joe Bagi. Also in attendance were City Planner/Zoning Administrator Matthew Spring and Board Secretary Kimberly Patterson.

Chairman Himes stated that Mr. Kidwell notified him that he would be absent. Chairman Himes **moved to excuse Mr. Rodney Kidwell from the meeting**, seconded by Mr. Blake. **Motion carried.** Ayes: Himes, Blake, Gaster, and Bagi. Nays: None.

Mr. Blake **moved to excuse Mrs. Janine Wert; she did not notify anyone of her absence**, seconded by Mr. Bagi. **Motion carried.** Ayes: Blake, Bagi, Himes, and Gaster. Nays: None.

Citizens signing the register: Luther Brede and Andrea Hoover.

Minutes

Chairman Himes asked for discussion. Mr. Blake noted that on page 3, last paragraph, his name should be "Blake" rather than "Blade". On the page 4, first sentence, change "protrusive" to "obtrusive". Mr. Blake **moved to approve the July 26, 2007, meeting minutes as amended**, seconded by Mr. Bagi. **Motion carried.** Ayes: Blake, Bagi, Gaster, and Himes. Nays: None.

Citizens Comments Not on the Agenda

There was none.

Chairman Himes explained the guidelines and procedures for the meeting. He noted that once the Board made a decision the applicant/interested party had 10 days to file an appeal to the Board of Zoning Appeals. After the 10-day waiting period had expired, the applicant may file for the appropriate permits.

New Business

A. Luther Brede - 210 E. Walnut Street, Tipp City - **Lot:** Pt. IL 491 – The applicant requested Restoration Board approval for the repair/replacement of ± 207 linear feet of 6' tall privacy fencing.

Present zoning district: CC/RA- Community Center/Old Tippecanoe City Restoration and Historic District

Section(s): §154.052(D)

Mr. Spring stated that the applicant requested a Certificate of Appropriateness for the repair/replacement of ± 207 linear feet of 6' tall privacy fencing. The proposed fencing would be a cedar board on board construction and include a ± 1' lattice work at the top.

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Zoning Code §154.052(D) states:

No person, partnership, society, association, corporation, or organization shall make any exterior construction, reconstruction, alteration, or demolition on any property within the district unless a certificate of appropriateness has been issued by the Board.

Mr. Spring noted that the Guidelines Booklet addressed fencing as well and was quoted as follows:

Historically, fences have served to act as physical barriers and property lines. Early fences were typically simple in construction and, because they marked property lines that might change, were designed to be easily disassembled and removed.

Beginning in the 18th century, fences began to be designed as ornamental features of the structure itself. Commonly, front yard fences were constructed of wrought iron, often intricately crafted, while rear yard fences were of wood, more simply designed and intended primarily to provide privacy. During the Victorian era, both iron and wood fences became increasingly elaborate. In the late 19th and early 20th centuries, large, open front yards without fences became the norm.

Fences which are in keeping with the style and size of the buildings to which they are attached add to the harmony of the streetscape and help to define the structures. Simple picket, straight board, wrought iron or French Gothic fences and brick walls are normally appropriate to the Restoration District.

A Certificate of Appropriateness is required before installation or replacement of a fence. Chain link, expanded mesh, and horse wire metal fencing are utilitarian styles typically used in rural and industrial areas, and are inappropriate in the Restoration District. Similarly, split rail and basket weave wooden fences are modern forms that are inappropriate, as are plastic, aluminum, or hollow metal or plastic simulations. Ornamental woven wire fences, if used, should be confined to side and rear yards. A fence permit must also be obtained from the Planning Department. Fences may not be allowed in certain easements. A property survey is strongly recommended prior to installation of any fence.

Mr. Spring stated that if the Restoration Board approved the applicant's request, a Certificate of Appropriateness would be issued in accordance with code. Mr. Spring also noted that if approved by the Restoration Board, the applicant would be required to apply for a Zoning Compliance Permit prior to the placement of the fence.

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Board Members found the following: Mr. Brede stated that the fence was mainly used to contain a dog and for privacy. The color would be natural wood. The fence was solid with a lattice top, for a total of 6' in height.

Chairman Himes asked for further discussion. There being none Mr. Blake **moved to approve application was submitted**, seconded by Mrs. Gaster. **Motion carried.** Ayes: Blake, Gaster, Bagi, and Himes. Nays: None.

B. Nicholas and Andrea Hoover – Coldwater Café - 19 E. Main Street, Tipp City – (old Fifth/Third Bank location) - **Lot:** Pt. IL 26 and Inlot 43 – The applicant requested Restoration Board approval for the demolition of the ATM drive-thru vestibule in the rear off-street parking area.

Present zoning district: CC/RA- Community Center/Old Tippecanoe City Restoration and Historic District

Section(s): §154.052(L)

Mr. Spring stated that the applicant requested Restoration Board approval for the demolition of the ATM drive-thru vestibule in the rear off-street parking area of the property located at 19 E. Main Street. The proposed demolition was in conjunction with the relocation of the Coldwater Café from its current location at 35 E. Main Street to this new location which was where the old Fifth/Third Bank was previously located.

The procedure for the issuance of a Certificate of Appropriateness for demolition is delineated in Zoning Code §154.052(L)(1)(a)-(c).

§154.052(L)(1)(a)-(c)

- a. *In cases where a property owner applies for a permit to demolish a building within the district, written or photographic evidence shall be submitted to the Restoration Board by the applicant that three or more of the following conditions prevail:*
 1. *That the building proposed for demolition is not inherently consistent with other structures within the district.*
 2. *That the building contains no features of special architectural and historic significance.*
 3. *There is no viable economic use of the building as it exists.*
 4. *A written report by a contractor acceptable to the Board, demonstrates it is not feasible to restore the structure.*
 5. *A written report by a contractor acceptable to the Board, demonstrates it is not feasible to move the structure to another location.*
- b. *All applications for demolition must include a description of the proposed new use and/or structure, and a timetable for its construction. Prior to the issuance of a Certificate of Appropriateness for any demolition within the Old*

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Tippecanoe City Restoration and Architectural District, the applicant shall submit a surety/performance bond to guarantee project completion according to the submitted timetable as follows:

1. *Performance bond.* A performance bond filed with the Director of Finance in such an amount as the Restoration Board, or its duly authorized representative, shall estimate and determine to be reasonably necessary to complete the demolition and reconstruction project. The bond may be in the form of a property bond, surety bond, a cash bond, irrevocable letter of credit, or negotiable United States Treasury Certificates of the kind approved by law for securing deposits of public money. The bond shall be executed by the applicant as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the State of Ohio. The bond shall be a joint and several obligation for the faithful performance of any and all work approved by the Restoration and Architectural Board of Review, or its duly authorized representative regarding any demolition and reconstruction project approved under Section §154.052(L)(1). The bond shall contain the further condition that should the applicant fail to complete all work and improvements required to be done by him within the time line approved under Section §154.052(L)(1)(c), or within a mutually agreed on extension, not to exceed 12 consecutive calendar months, the city may, at its option, cause the demolition to be completed, all required work to be done, and improvements constructed. The parties executing the bond shall be firmly bound for the payment of all necessary costs therefore. Whenever the applicant elects to deposit cash or approved negotiable United States Treasury Certificates, the city shall be authorized, in the event of any default on the part of the applicant or the performance of any work or construction of any improvements for which the cash or negotiable bonds have been deposited, to cause the required work to be done and to withdraw that amount required for payment of all costs therefore. When the applicant elects to submit a property bond, the developer shall provide the city with a bond giving the city first mortgage on the subject property. The bond will be recorded with the County Recorder's office by the city at the applicant's expense. Prior to city acceptance of the bond, the applicant will submit an affidavit from a licensed real estate broker that the raw land has a minimum value greater than the amount of the required bond, and a statement from an attorney indicating that the land is free and clear of prior liens.
- (a) The performance bond, or portion thereof, shall not be released until the City Council, or its authorized representative, is satisfied that the demolition and subsequent construction has been completed in conformance with the plans and specifications approved by the Restoration Board.

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- (b) The applicant shall be in default of the performance bond when one the following conditions exists:
 - 1. The demolition and subsequent construction, as approved by the Restoration Board has not taken place within the time period agreed on in the applicant's contract with the city, and the applicant has failed to establish reasonable cause for such delay to the satisfaction of the City Council and thereby to receive a time extension.
 - 2. The applicant has not undertaken the demolition and subsequent construction in accordance with the minimum standards specified by these regulations, and the applicant is unwilling to modify and upgrade said demolition and subsequent construction within a six-month time period so as to be in compliance with the provisions of these regulations.
- 2. Letter of credit. The applicant shall provide from a bank or other reputable institution or individual subject to the approval of the Restoration and Architectural Board of Review, or its duly authorized representative, an irrevocable letter of credit. This letter shall be deposited with the City, and shall certify the following:
 - (a) The creditor guarantees funds in an amount equal to the cost, as estimated by the applicant and approved by the City Engineer, of completing all requirements of the approved demolition and subsequent construction.
 - (b) In the case of failure on the part of the applicant to complete the approved demolition and subsequent construction within the required time period, the creditor shall pay to the city immediately and without further action such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
 - (c) This letter of credit may not be withdrawn or reduced in amount until released by the City Council.
 - (d) A written list of all alternatives that have been considered in lieu of demolition shall be submitted with the application.
- c. If the Board finds the application for demolition does not meet the above criteria, the application for permit shall be delayed for twelve months while the Board and property owner work cooperatively to seek restoration alternatives. If after twelve months, no restoration alternative can be reached which is acceptable to the property owner and the Board, the Certificate of Appropriateness allowing demolition shall be denied.
 - 1. The Chairman of the Restoration Board shall assign a Board member to act as an informal liaison between the applicant and the Restoration Board during the imposed delay period. The informal liaison shall be assigned at the commencement of the delay period, and shall be confirmed by a simple majority of the quorum present.

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Mr. Spring noted that the applicant had provided a narrative which delineated their position on points 1 – 3 above as follows:

Although the ATM / Drive-Thru we are seeking to remove is located in the historic district of Downtown Tipp City, this structure was not built at the same time as the original building. It is believed to have been constructed in the late 1960s or 1970s. The use of this structure has always been as a drive-thru for the bank occupying the building at 19 E. Main Street.

With the proposed new use of 19 E Main Street (relocation of Coldwater Café), there is no need to maintain the structure in the parking lot. Demolition of this structure would serve a greater purpose in allowing for construction of a new, larger lot to be shared by patrons of Coldwater Café and Tipp City Library.

Currently, plans are being drawn up for the completion of the parking lot. Estimates will be sought and following all necessary city approvals, construction will begin as soon as possible. A contract is in existence between the Library (seller of the building) and the Hoover's (buyers of the building) to have construction completed within one year of closing on the sale of the property. Closing is to take place August 28, 2007.

Mr. Spring also noted that the applicant would be required to seek Planning Board Site Plan approval for the reconstruction of the off-street parking area. It would also be necessary for the applicant to produce a detailed site plan/schematic and Engineer's Estimate for said Planning Board Site Plan approval. Accordingly, the applicant requested that the Restoration Board approve the Certificate of Appropriateness with the condition that the required surety will be posted in accordance with Code § 154.052(L)(1), once the Planning Board had approved the final version of the Site Plan and the City Engineer had approved the corresponding Engineer's Estimate.

Mr. Spring noted the following regarding the case:

- If the Restoration Board approved the applicant's request, a Certificate of Appropriateness would be issued in accordance with code, after the posting of surety.
- If approved by the Restoration Board, the applicant would be required to seek Planning Board Site Plan approval prior to commencement of the proposed project.
- If approved by the Restoration Board and Planning Board, the applicant would be required to obtain an approved Zoning Compliance Permit prior to commencement of the proposed project.
- The applicant would also be required to obtain an approved Demolition Permit, issued through the City Manager's Office, prior to the razing of the ATM/Drive-Thru structure.

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Board Members found the following: 100% Surety Bond would be necessary due to updating the area to today's Zoning Code Standards; Board Members reviewed the Demolition Code in depth.

Board Members concurred to authorize the City Manager to be the Restoration Board's representative to receive the surety bond.

Chairman Himes asked for further discussion. There being none, Mr. Bagi **moved to** grant a Certificate of Appropriateness for the demolition of the ATM/Drive-Thru vestibule located at 19 E. Main Street with the following conditions and notations:

1. The Board finds that the applicant has adequately met the requirements delineated in Code §154.052(L)(1)(a).
2. The Board will allow the applicant to post the surety (Performance Bond, Irrevocable Letter of Credit, or Cash) required in §154.052(L)(1)(b) after the Planning Board has approved the final version of the Site Plan and the City Engineer has approved the corresponding Engineer's Estimate, but prior to the razing of the ATM/Drive-Thru structure.
3. The applicant will obtain an approved Zoning Compliance Permit prior to commencement of the proposed project.
4. The applicant will obtain an approved Demolition Permit, issued through the City Manager's Office, prior to the razing of the ATM/Drive-Thru structure.

And to authorize the City Manager to be the Restoration Board's representative to receive the surety bond, seconded by Mrs. Gaster. **Motion carried.** Ayes: Bagi, Gaster, Blake, and Himes. Nays: None.

Old Business

There was none.

Miscellaneous

Chairman Himes thanked Mr. Blake for the information that he obtained for the Board. The information was a "Dayton History" list of organizations that offer restoration services as well as a list of preservation contacts.

Design Review Training workshop to be held in Columbus, October 17, 2007. Chairman Himes offered to attend if another Board Member planned to attend. Board Members present declined due to conflicts in schedules.

Mr. Spring mentioned the photographic expedition. Board Members agreed to meet on Saturday, October 13, 2007, at 10:00 a.m. at the Tipp City Government Center. Photographs of all of the properties in the Restoration District will be photographed. Mr. Spring stated that letters would be sent to all property owners and posted in the paper. Copies of the correspondence would be available for hand out while taking the inventory.

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Adjournment

Chairman Himes asked for further discussion or comments. There being none, Mr. Bagi, **moved for adjournment**, seconded by Mr. Blake and unanimously approved. Meeting adjourned at 8:00 p.m.

ATTEST: _____
Mrs. Kimberly Patterson - Board Secretary

APPROVED: _____
Chairman Robert Himes